

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD LeGRONE,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

Case No. C23-1102-LK-SKV

ORDER DIRECTING SERVICE OF CIVIL
RIGHTS COMPLAINT ON INDIVIDUAL
DEFENDANTS

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding with this action *pro se* and in *forma pauperis*. The Court, having reviewed Plaintiff's amended complaint, hereby ORDERS as follows:

(1) Service by Clerk

The Clerk is directed to send to Patricia Tindall, King County Sheriff, and to Allen Nance, Director of the King County Department of Adult and Juvenile Detention, a copy of Plaintiff's amended complaint (Dkt. 7), a copy of this Order, two copies of the notice of lawsuit and request for waiver of service of summons, a waiver of service of summons, and a return envelope, postage prepaid, addressed to the Clerk's Office.

ORDER DIRECTING SERVICE OF CIVIL
RIGHTS COMPLAINT ON INDIVIDUAL
DEFENDANTS - 1

(2) Response Required

Defendants shall have **thirty (30) days** within which to return the waiver of service of summons. If a defendant timely returns a signed waiver, he or she shall have **sixty (60) days** after the date designated on the notice of lawsuit to file and serve an answer to the complaint or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure. If a defendant fails to timely return the signed waiver, he or she will be personally served with a summons and complaint and may be required to pay the full costs of such service, pursuant to Rule 4(d)(2) of the Federal Rules of Civil Procedure. A defendant who has been personally served shall file an answer or motion permitted under Rule 12 within **twenty-one (21) days** after service.

(3) Filing and Service by Parties, Generally

All attorneys admitted to practice before this Court are required to file documents electronically via the Court's CM/ECF system. Counsel are directed to the Court's website, www.wawd.uscourts.gov, for a detailed description of the requirements for filing via CM/ECF. Plaintiff, who is currently in the custody of the Washington Department of Corrections, is also required to file all documents electronically. All filings must indicate in the upper right-hand corner the name of the magistrate judge to whom the document is directed.

For any party filing electronically, when the total of all pages of a filing exceeds fifty (50) pages in length, a paper copy of the document (with tabs or other organizing aids as necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must be clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."

Any document filed with the Court must be accompanied by proof that it has been served upon all parties that have entered a notice of appearance in the underlying matter. Plaintiff shall indicate the date the document is submitted for e-filing as the date of service.

1 (4) Motions, Generally

2 Any request for court action shall be set forth in a motion, properly filed and served.
3 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
4 part of the motion itself and not in a separate document. The motion shall include in its caption
5 (immediately below the title of the motion) a designation of the date the motion is to be noted for
6 consideration upon the Court's motion calendar.

7 Stipulated and agreed motions, motions to file over-length motions or briefs, motions for
8 reconsideration, joint submissions pursuant to the optional procedure established in LCR
9 37(a)(2), motions for default, requests for the clerk to enter default judgment, and motions for the
10 court to enter default judgment where the opposing party has not appeared shall be noted for
11 consideration on the day they are filed. *See* LCR 7(d)(1). All other non-dispositive motions
12 shall be noted for consideration no earlier than the third Friday following filing and service of the
13 motion. *See* LCR 7(d)(3). All dispositive motions shall be noted for consideration no earlier
14 than the fourth Friday following filing and service of the motion. *Id.*

15 For electronic filers, all briefs and affidavits in opposition to either a dispositive or non-
16 dispositive motion shall be filed and served not later than 11:59 p.m. on the Monday
17 immediately preceding the date designated for consideration of the motion. The party making
18 the motion may electronically file and serve, not later than 11:59 p.m. on the date designated for
19 consideration of the motion, a reply to the opposing party's briefs and affidavits.

20 (5) Motions to Dismiss and Motions for Summary Judgment

21 Parties filing motions to dismiss pursuant to Rule 12 of the Federal Rules of Civil
22 Procedure and motions for summary judgment pursuant to Rule 56 of the Federal Rules of Civil
23 Procedure should acquaint themselves with those rules. As noted above, these motions shall be

1 noted for consideration no earlier than the fourth Friday following filing and service of the
2 motion.

3 Defendants filing motions to dismiss or motions for summary judgment are advised that they
4 MUST serve *Rand* notices concurrently with motions to dismiss based on failure to exhaust
5 administrative remedies and motions for summary judgment so that *pro se* prisoner plaintiffs will
6 have fair, timely and adequate notice of what is required of them in order to oppose those
7 motions. *Woods v. Carey*, 684 F.3d 934, 941 (9th Cir. 2012). The Ninth Circuit has set forth
8 model language for such notices:

9 A motion for summary judgment under Rule 56 of the Federal Rules of
10 Civil Procedure will, if granted, end your case.

11 Rule 56 tells you what you must do in order to oppose a motion for
12 summary judgment. Generally, summary judgment must be granted when
13 there is no genuine issue of material fact – that is, if there is no real
14 dispute about any fact that would affect the result of your case, the party
15 who asked for summary judgment is entitled to judgment as a matter of
16 law, which will end your case. When a party you are suing makes a
17 motion for summary judgment that is properly supported by declarations
18 (or other sworn testimony), you cannot simply rely on what your
19 complaint says. Instead, **you must set out specific facts in declarations,
depositions, answers to interrogatories, or authenticated documents,
as provided in Rule 56(e), that contradict the facts shown in the
defendant's declarations and documents and show that there is a
genuine issue of material fact for trial. If you do not submit your own
evidence in opposition, summary judgment, if appropriate, may be
entered against you. If summary judgment is granted, your case will
be dismissed and there will be no trial.**

19 *Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir. 1998) (emphasis added).

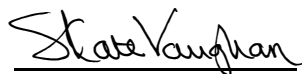
20 Defendants who fail to file and serve the required *Rand* notice on Plaintiff may have their
21 motion stricken from the Court's calendar with leave to re-file.

(6) Direct Communications with District Judge or Magistrate Judge

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

(7) The Clerk is directed to send a copy of this Order to Plaintiff. The Clerk is further directed to send a copy of this Order and a courtesy copy of Plaintiff's amended complaint to the King County Prosecutor's Office.

Dated this 13th day of October, 2023.



S. KATE VAUGHAN
United States Magistrate Judge